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CLERK U.S. DISTRICT COURT
NORTHERN DISTRICT OF OHIO
AKRON

DOWD, J.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

United States of America)	
)	CASE NO. 1:04CR297
Plaintiff(s),)	
)	
v.)	<u>MEMORANDUM OPINION</u>
)	
Marco Antonio Dardon-Morales)	<u>AND ORDER</u>
)	
Defendant(s).)	
)	

This defendant was sentenced by the Court on the 22nd of November 2004, to a guideline sentence of 41 months with two years of supervised release. At the time of the sentencing, and in response to a Sixth Circuit suggestion in U.S. v. Koch, No.02-6278, 2004WL 1870438 (Sixth Cir. August 13, 2004) the Court announced an alternative sentence of 18 months. At the time the alternative sentence was announced, it was uncertain when the Supreme Court would rule with respect to Sentencing Guidelines.

It is now evident that the defendant is entitled to the alternative sentence of 18 months. The defendant has so moved. (See docket # 23)

The Government has not opposed an alternative sentence providing for an 18 month sentence.

(1:04CR297)

As a consequence the Court will enter an Amended Judgment and Commitment calling for a sentence of 18 months. The previous entry provided defendant credit for time served in custody from May 4, 2004 through the date of sentencing. The amended Judgment Entry will also provide that credit.

IT IS SO ORDERED.

May 4, 2005
Date

/s/ David D. Dowd, Jr.
David D. Dowd, Jr.
U.S. District Judge